

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Lyle Court, 475' E of
Hillsway Avenue
(1649 Lyle Court)
9th Election District
4th Councilmanic District

Warren A. Gwynn
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-349-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1649 Lyle Court, located in the vicinity of Parkville in the community of Parkside Heights. The Petition was filed by the owner of the property, Warren A. Gwynn. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 214.1 of the 1955 Regulations) to permit a front setback of 13.5 feet in lieu of the minimum required 25 feet and a rear yard setback of 39 feet in lieu of the required 50 feet for a proposed addition over an existing patio. The subject property and relief requested are more particularly described on the site plan submitted with the Petition filed which was marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or gener-

ORDER RECEIVED FOR FILING

Date

By


MICROFILMED

al welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of May, 1995 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 214.1 of the 1955 Regulations) to permit a front setback of 13.5 feet in lieu of the minimum required 25 feet and a rear yard setback of 39 feet in lieu of the required 50 feet for a proposed addition over an existing patio, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

By

FILED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 3, 1995

Mr. Warren A. Gwynn
1649 Lyle Court
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Lyle Court, 475' E of Hillsway Avenue
(1649 Lyle Court)
9th Election District - 4th Councilmanic District
Warren A. Gwynn - Petitioner
Case No. 95-349-A

Dear Mr. Gwynn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File



Petition for Administrative Variance

95-349-A

to the Zoning Commissioner of Baltimore County

for the property located at 1649 LYLE COURT
which is presently zoned Residential

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B (214.1 - 1955 Regs.)

To allow a proposed addition with a front yard setback of 13-1/2 feet and a rear yard setback of 39 feet in lieu of the minimum required 25 feet and 50 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

EXISTING PATIO CANT BE MOVED MONOLITHIC POOL
MADE BY PREVIOUS OWNER

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: 228

DATE: 4-7-95

ESTIMATED POSTING DATE: 4/16



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on Recycled Paper

ITEM #: 351

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ORDER RECEIVED FOR FILING

Date 5/3/95

95-349-A

351

ZONING DESCRIPTION

Located at the end, S.E. corner of Lyle Court-----Known as being

lot * 65, Block 000, Section # 02 in the subdivision of

Parkside Heights as recorded in Baltimore County Plat Book #25,
Folio # 60, containing 7249.312 Sq. Ft. Also known as 1649

Lyle Court and located in the 09 Election District, 4 Council-
manic District.

WILSON

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-349-A

District 9th Date of Posting 4/16/95

Posted for: Variance

Petitioner: Warren H. Gwyn

Location of property: 1649 Lylo ut. S/S

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 4/21/95
Signature

Number of Signs: 1





Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-349-A

Account: R-001-6150

Date 4-17-95

Item Number 351

Taken in by: [Signature]

Owner: Warren A Gwynn
Site: 1649 Lyle Ct.

| | | |
|-------|--|----------|
| # 010 | Residential (ADMM) Variance Filing Fee | \$ 50.00 |
| # 080 | Sign & Posting | 35.00 |

Total \$ 85.00

MICRON 11413

USAD03H0142N1616E
SA COL01000000 97-92

185.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 17, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-349-A (Item 351)
1649 Lyle Court
S/S Lyle Court, 475'+/- E of Hillsway Avenue
9th Election District - 4th Councilmanic
Legal Owner: Warren A. Gwynn

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) The sign on your property should remain standing up to 4:30 p.m. on the closing date. The closing date (May 1, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After this date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Warren A. Gwynn

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APR 18 1995
BALTIMORE COUNTY



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

Mr. Warren A. Gwynn
1649 Lyle Court
Baltimore, Maryland 21234

RE: Item No.: 351
Case No.: 95-349-A
Petitioner: Warren Gwynn

Dear Mr. Gwynn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 20, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 341, 342, 345, 348, 349, and 351

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 17, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345,
347, 348, 349, 350 AND 351.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-14-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 351 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Joyce Watson
ZAC Comments

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/17/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 341
344
345
348
349
350
351 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

PETITION PROBLEMS AGENDA OF APRIL 17, 1995

#342 --- JRF

1. No item number on petition forms.

#344 --- MJK

1. No telephone number for legal owner.

#350 --- MJK??/JCM??

1. Who took in petition? MJK signed petition form; JCM signed receipt.
2. No original copy of receipt in folder; just xerox. Where is receipt?

#351 --- JJS

1. Notary section is incorrect/incomplete.

[Handwritten signature]

351

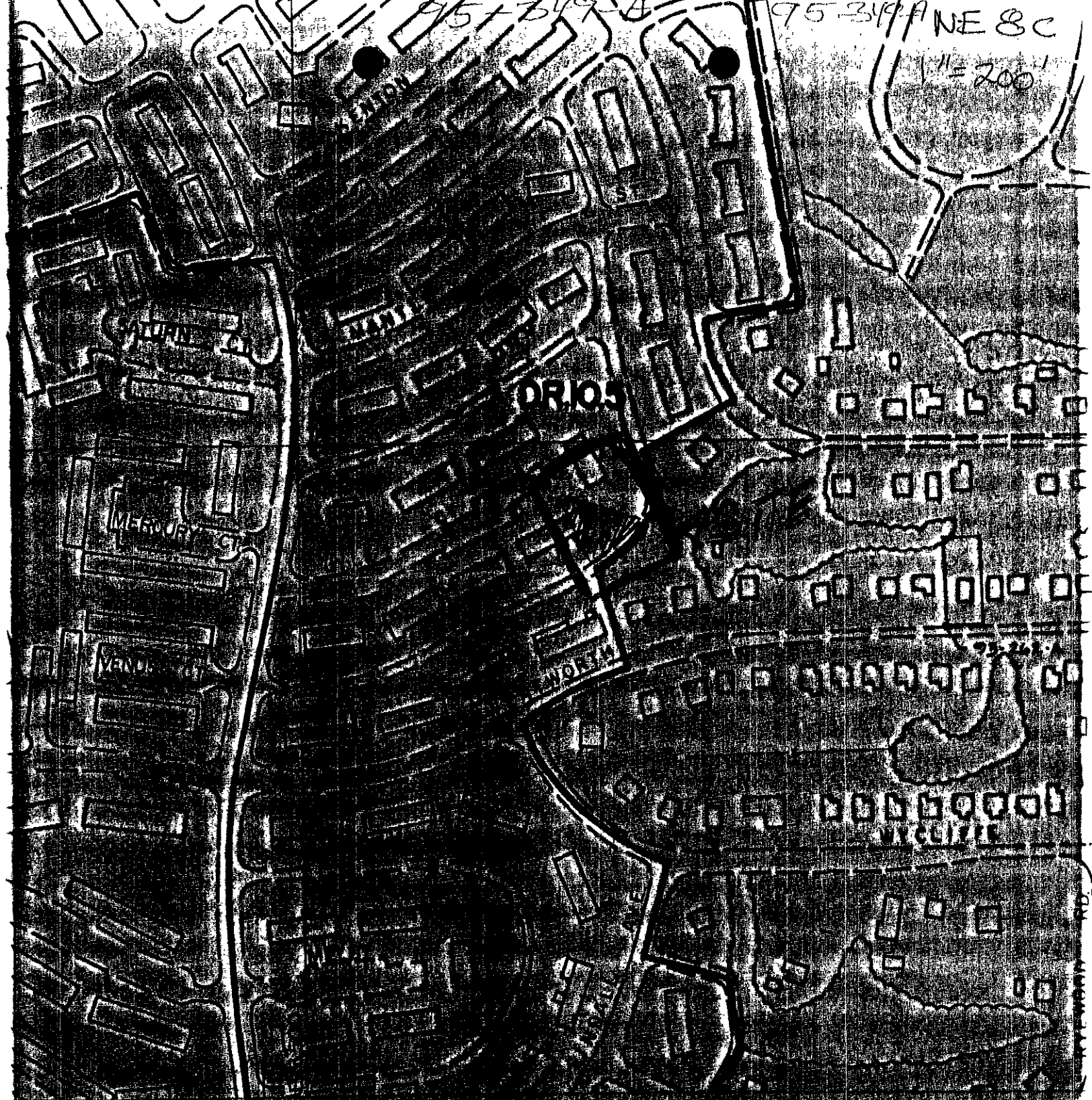
To whom it may concern :

Mr. Gwynn may build on his existing patio

It will not interfere with me at all.

Jerry A. Moore

1644
~~1944~~ Lyle Court



95-349-A

95-349A NE 8C

11-2001

ORION

SALMON

MEMORY

VENUE

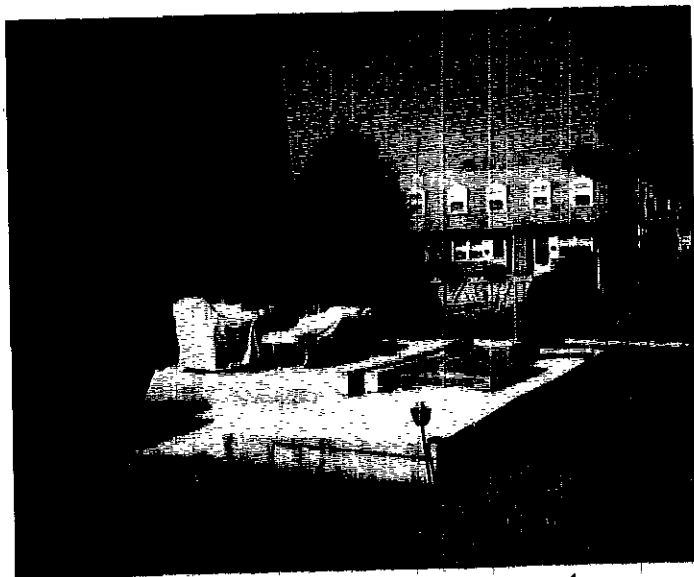
NORTH

BALT
OFFICE OF
OFFICIAL

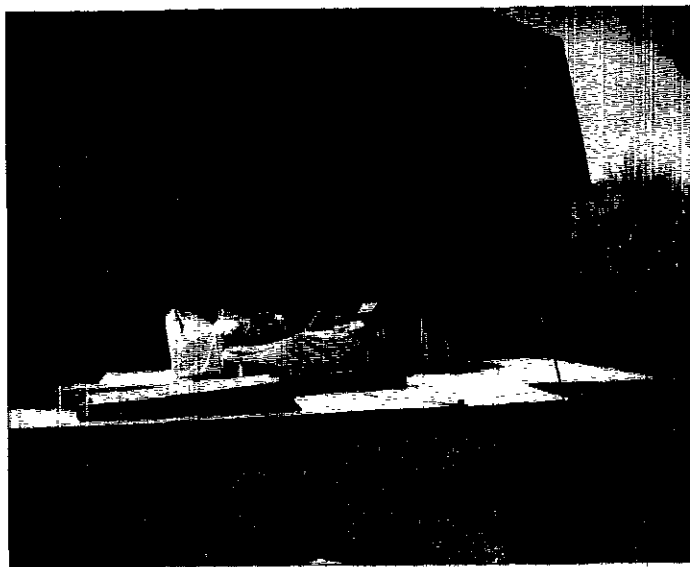


Prop. Addition
Patio concrete pad.

Front
View



351 Rear
View



351 Side
View

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

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1649 Lyle Court
Baltimore, Maryland 21234

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Case No.: 95-349-A
Petitioner: Warren Gwynn

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If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 20, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 341, 342, 345, 348, 349, and 351

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Prepared by:

Division Chief:

PK/JL

ITEM341/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

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Pertinent:

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IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345, 347, 348, 349, 350 AND 351.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
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for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Joyce Watson
ZAC Comments

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 4/17/95

DATE: 4/28/95

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LETTY2/DEPRM/TXTSBB

PETITION PROBLEMS
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1649
1649 Lyle Court

